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One of the Attorneys for Federal Defendants
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

YUKON DELTA FISHERIES DEVELOPMENT
ASSOCIATION, et al.,

Plaintiffs,

V.

NATIONAL MARINE FISHERIES SERVICE,
et al.,

Defendants.

Cause No. A05-245 CV (JKS)

THIRD UNOPPOSED MOTION TO EXTEND TIME TO ANSWER AND FILE THE ADMINISTRATIVE RECORD

Defendants, National Marine Fisheries Service, James Balsinger, sued in his official capacity as National Marine Fisheries Service Alaska Regional Administrator, and Carlos Gutierrez, sued in his official capacity as Secretary of Commerce (collectively, “Federal Defendants”), through counsel, hereby move the Court for a third extension of time to file both the answer and administrative record in this case to February 28, 2006. In support of this motion, Federal Defendants state as follows:

1. Federal Defendants have previously sought and received an extension of time for the answer and the administrative record in this case until January 31, 2006.

2. During this extension of time, counsel for the parties have continued settlement negotiations. During the course of these negotiations, the parties have agreed that efforts would be better directed towards settlement as opposed to responding to the Complaint or preparation of the administrative record. As noted in the previous unopposed motion for extension, the last extension was sought only for a relatively short period of time, such that “a further extension, beyond January 31, will likely be necessary, to be based on the progress of further settlement talks.” It was then anticipated that if progress towards settlement was not being achieved, only a brief further extension would be sought to allow for responding to the Complaint and preparation of the administrative record; but, alternatively, if progress towards settlement was being achieved, a greater extension could be sought to allow such progress to continue.

3. At this time, the parties believe that progress towards settlement continues to be made. Federal Defendants’ counsel has conferred with Plaintiffs’ counsel, and Plaintiffs do not oppose this motion. Accordingly, Federal Defendants seek an extension of time for the answer and the administrative record in this case until February 28, 2006.

4. During the course of this sought extension, the parties anticipate that Federal Defendants will prepare a potentially clarifying that may moot this litigation. Assuming substantial progress has been made, the parties presently anticipate that a stay of this litigation may then be sought to allow for this process to proceed.

Dated: January 31, 2006

Respectfully submitted,

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division
JEAN E. WILLIAMS, Section Chief
LISA L. RUSSELL, Assistant Section Chief

s/ Joseph H. Kim

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Attorneys for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2006, I caused the foregoing, together with a proposed order relating to the same, to be electronically filed with the Clerk of the Court using the CM/ECF System. Because counsel of record in this matter does not appear to have registered such that he will receive notification through the CM/ECF System, I have also mailed a copy of these documents on this date by first-class U.S. Mail, postage pre-paid, to the address indicated below:

Gerald T. Davis
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Seattle, WA 98105

s/ Joseph H. Kim
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